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PTO/SB/21 (08-03) Approved for use through 08/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/005.467 **TRANSMITTAL** Filing Date December 4, 2001 **FORM** First Named Inventor Keith D. Allen Art Unit (to be used for all correspondence after initial filing) 1636 **Examiner Name** Celine X. Qian Attorney Docket Number Total Number of Pages in This Submission R-758 **ENCLOSURES** (Check all that apply) ~ After Allowance communication Fee Transmittal Form Drawing(s) to Technology Center (TC) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences 1 Appeal Communication to TC Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Provisional Application Proprietary Information Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) RECEIVED Remarks Certified Copy of Priority Document(s) OCT 1 6 2003 Response to Missing Parts/ Incomplete Application Response to Missing Parts TECH CENTER 1600/2900 under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Kelly L. Quast, Reg. No. 52,141 Individual name Signature Date October 1, 2003 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Don Mixon

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

Date

October 1, 2003

PTO/SB/17 (10-03) Approved for use through 07/31/2006. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number Complete if Known EE TRANSMITTAL Application Number 10/005,467 for FY 2004 Filing Date December 4, 2001 2003 Keith D. Allen First Named Inventor Effective 10/01/2003. Patent fees are subject to annual revision. **Examiner Name** Celine X. Qian Applicant claims small entity status. See 37 CFR 1.27 TECH CENTER 1600/2900 Art Unit 1636 **TOTAL AMOUNT OF PAYMENT** (\$) 55.00 Attorney Docket No R-758 METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) Check Money Credit card Other 3. ADDITIONAL FEES None Order Large Entity | Small Entity Deposit Account: Fee Fee Fee Description Deposit Code (\$) Code (\$) Account 50-1271 Fee Paid 2051 Number 1051 130 65 Surcharge - late filing fee or oath Deposit 1052 50 2052 Surcharge - late provisional filing fee or cover sheet Deltagen, Inc. Account Name 1053 130 1053 130 Non-English specification The Director is authorized to: (check all that apply) 1812 2,520 For filing a request for ex parte reexamination Charge fee(s) indicated below 1812 2,520 Credit any overpayments 1804 920 1804 920* Requesting publication of SIR prior to Charge any additional fee(s) or any underpayment of fee(s) Examiner action Charge fee(s) indicated below, except for the filing fee 1805 1.840 1805 1,840* Requesting publication of SIR after to the above-identified deposit account. Examiner action 1251 2251 110 Extension for reply within first month FEE CALCULATION 55.00 1252 420 210 Extension for reply within second month 2252 1. BASIC FILING FEE arge Entity Small Entity 1253 950 2253 475 Extension for reply within third month Fee Fee Code (\$) Fee Description Fee Paid 1254 1,480 2254 740 Extension for reply within fourth month Code 1,005 Extension for reply within fifth month 1001 770 2001 1255 2,010 2255 385 Utility filing fee 1002 340 2002 170 Design filing fee 1401 330 2401 165 Notice of Appeal 1003 530 2003 265 Plant filing fee 1402 330 2402 165 Filing a brief in support of an appeal 1004 770 2004 385 Reissue filing fee 1403 290 2403 145 Request for oral hearing 1005 160 2005 Provisional filing fee 1451 1451 1,510 Petition to institute a public use proceeding 1,510 1452 110 2452 55 Petition to revive - unavoidable SUBTOTAL (1) (\$) 1453 1,330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1,330 2501 665 Utility issue fee (or reissue) Fee from Extra Claims Fee Paid below 1502 480 2502 240 Design issue fee **Total Claims** Independent Claims 1503 640 2503 320 Plant issue fee Х

1460 130 1460 130 Petitions to the Commissioner Multiple Dependent 50 Processing fee under 37 CFR 1.17(q) 1807 50 1807 Large Entity | Small Entity 1806 180 1806 180 Submission of Information Disclosure Stmt Fee Fee Fee Description Code (\$) 40 Recording each patent assignment per Code (\$) 8021 40 8021 property (times number of properties) 1202 18 2202 Claims in excess of 20 1809 385 Filing a submission after final rejection (37 CFR 1.129(a)) 770 2809 1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid 385 For each additional invention to be 1810 770 2810 1204 86 examined (37 CFR 1.129(b)) 2204 ** Reissue independent claims over original patent 1801 770 2801 385 Request for Continued Examination (RCE) 1205 ** Reissue claims in excess of 20 18 2205 9 1802 900 1802 900 Request for expedited examination and over original patent of a design application Other fee (specify) SUBTOTAL (2) (\$) *Reduced by Basic Filing Fee Paid **or number previously paid, if greater; For Reissues, see above SUBTOTAL (3) (\$) 55.00

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Kelly L. Quast

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Name (Print/Type)

Signature

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Registration No.

52,141

(Complete (if applicable))

Date

Telephone 650-569-5100

PTO/SB/17 (10-03)

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